

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

BRUCE X. COOPER,

Plaintiff

v.

ROBERT SHANNON, et al.,

Defendants

:
:
:
:
:
:
:
:
:
:

CIVIL NO. 3:CV-07-620

(Judge Kosik)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

_____Bruce X. Cooper originally filed this civil rights action pursuant to 42 U.S.C. § 1983 in state court while confined at the State Correctional Institution at Frackville, Pennsylvania. Defendants, six (6) employees of the Pennsylvania Department of Corrections, some employees of SCI-Frackville, removed the matter to this court on March 30, 2007. In the complaint Plaintiff asserts violations of his rights under the First and Fourteenth Amendments, including his right to equal protection and violations of the Religious Land Use and Institutionalized Person Act (“RLUIPA”), 42 U.S.C. §§ 2000cc et seq.

On July 2, 2007, a motion to dismiss filed by Defendants was granted in part and denied in part. Defendant Jeffrey Beard, Secretary of the DOC, was dismissed from this action. The remaining Defendants were directed to file an answer to the

complaint, which they submitted on July 30, 2007. Several months thereafter, Plaintiff filed a motion to withdraw his complaint. (Doc. 35.) In the motion, Plaintiff stated that he and the remaining Defendants had reached a settlement in this matter and that he therefore wished to withdraw the complaint. On January 15, 2008, the court issued an Order construing Plaintiff's motion as a request for voluntary withdrawal under Fed. R. Civ. P. 41(a)(2) and granted the request. The complaint was dismissed without prejudice and the case closed. (Doc. 36.)

On January 24, 2008, Plaintiff filed two (2) motions in this closed case. The first motion is titled a "Motion to Dismiss Defendant Shannon as a Defendant." (Doc. 37.) The second motion is a "Motion to Stay Pending Outcome of Agreement to Withdraw." (Doc. 38.) In this motion, Plaintiff expresses concern that perhaps the case should be stayed, rather than dismissed, until he is certain that Defendants will abide by the terms of the settlement agreement. He states that pursuant to the agreement he is to be transferred to a different institution and permitted to practice his religion. While it appears in his filing that he was, in fact, transferred to the State Correctional Institution at Mahanoy, Pennsylvania, he is unsure that he will be able to practice his religion there.¹ (Doc. 38, ¶ 2.) Because two (2) months have elapsed and Plaintiff has submitted no further concerns with regard to Defendants' honoring of

¹ It does not appear that Plaintiff's address has been changed on the docket. Accordingly, the Clerk of Court will be directed to change Plaintiff's address to the State Correctional Institution at Mahanoy.

the terms of the settlement agreement which served as the basis for the withdrawal of the above action, the court will presume that the matter is settled and the pending motions filed by Plaintiff following the grant of his request for dismissal of the action will be dismissed as moot.

**ACCORDINGLY, THIS 30th DAY OF APRIL, 2008, IT IS HEREBY
ORDERED AS FOLLOWS:**

1. The Clerk of Court is directed to change Plaintiff's address on the docket to reflect his transfer to SCI-Mahanoy.
2. Plaintiff's Motion to Dismiss Defendant Shannon (Doc. 37) and Motion to Stay (Doc. 38) are **dismissed as moot.** —

s/EDWIN M. KOSIK
United States District Judge